

EXHIBIT 1

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PORFIRIO GATON,)	
Petitioner,)	
)	
v.)	Civ. Action No. 04-CV-40157
)	
DAVID L. WINN, Warden,)	
Respondent.)	
)	

DECLARATION OF STEPHANIE SCANNELL

I, Stephanie Scannell, hereby make the following declaration:

1. I am currently employed by the Federal Bureau of Prisons (BOP) of the United States Department of Justice as a Paralegal Trainee at the Consolidated Legal Center located at the Federal Medical Center (FMC) in Devens, Massachusetts. I have been employed at this position since approximately March 9, 2003, and have been with the BOP since October 6, 2002.
2. In order to perform my official duties as Paralegal Trainee, I have access to numerous records regarding prisoners maintained in the ordinary course of business at FMC Devens. This information includes, but is not limited to, documentary records, Judgment and Commitment files, and computerized records maintained on SENTRY, the Bureau of Prisons computerized data base.
3. I have access to the various databases and files concerning administrative remedy claims filed pursuant to the Administrative Remedy Program, which are maintained by the Bureau of Prisons in the ordinary course of business. In particular, I have access to SENTRY, which maintains a record of all of the administrative remedies filed by an inmate, the dates thereof, and the dispositions. These records reflect every administrative remedy claim filed by an inmate in the Bureau of Prisons, while housed in any federal institution of the Bureau of Prisons.
4. On August 27, 2004, I ran a SENTRY search to determine if inmate Porfirio Gatón, Reg. No. 10756-052, had filed any administrative remedy claims under the Administrative Remedy Program in regard to the allegations in his Petition. A review of his Administrative Remedy Record revealed that he has not utilized the Administrative Remedy Process to file a single administrative remedy submission on the issues presented in this Petition. He file an Inmate Request to Staff form to the Inmate Systems

Manager regarding the issue of his GCT calculation, but he failed to file any subsequent official Administrative Remedies to the Warden, Regional Office, or Central Office. Therefore, he has failed to exhaust his Administrative Remedies. A true and accurate copy of the Administrative Remedy Generalized Retrieval screen for inmate Porfirio Gatón, Reg. No. 10756-052, is attached as **Attachment f**.

5. Attached hereto, please find true and correct copies of the following documents:
 - a. Public Information Data for inmate Porfirio Gatón, Reg. No. 10756-052, dated August 27, 2004;
 - b. Sentence Monitoring Computation Data for inmate Porfirio Gatón, Reg. No. 10756-052, dated August 27, 2004;
 - c. Sentencing Monitoring Good Time Data for inmate Porfirio Gatón, Reg. No. 10756-052, dated August 27, 2004;
 - d. Program Statement 5880.28, Sentence Computation Manual CCCA (attached in relevant part);
 - e. Inmate Discipline Data for Porfirio Gatón, Reg. No. 10756-052, dated August 30, 2004;
 - f. Administrative Remedy Generalized Retrieval for inmate Porfirio Gatón, Reg. No. 10756-052, dated August 27, 2004;
 - g. Inmate Request to Staff and Response.

I declare the foregoing is true and correct to the best of my knowledge and belief, and given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 22 day of September, 2004

/s/ Stephanie J. Scannell

Stephanie J. Scannell
Paralegal Trainee
FMC Devens